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**VIA ECF**

May 28, 2021

The Honorable Leda D. Wettre, U.S.M.J.  
United States District Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, New Jersey 07102

Re: *Corcept Therapeutics, Inc. v. Teva Pharm. USA, Inc.*  
Civil Action No. 18-03632 (consolidated)

Dear Judge Wettre:

This firm, together with Quinn Emanuel, represents Plaintiff Corcept Therapeutics, Inc. (“Corcept”) in the above-captioned matter. We write to respectfully request a one-month extension of the June 9 deadline for Corcept to file its reply in support of its motion for summary judgment. *See* ECF No. 194 at ¶ 4. As set forth herein, good cause supports Corcept’s request. Counsel for Corcept reached out to counsel for Teva regarding this request, but counsel for Teva has not yet indicated whether it consents or opposes.

As Your Honor may recall, on February 16, 2021, Corcept sought leave to file a motion for summary judgment of infringement of U.S. Patent No. 10,195,214 (“the ’214 Patent”). On February 18, Teva opposed that request in a written submission to Your Honor. Following a March 10 teleconference, Your Honor granted Corcept leave to file its motion and set a briefing schedule. *See* ECF No. 194. Accordingly, and consistent with that briefing schedule, Corcept moved for summary judgment on April 9. *See* ECF Nos. 197-98.

At no point in time—not in its written submissions to the Court, not during the teleconference with Your Honor, not during informal discussions or correspondence between the parties, and not even in the last 47 days since Corcept filed its summary judgment motion—did Teva ever indicate that it intended to cross-move for summary judgment of non-infringement. Nevertheless, when Teva filed its opposition to Corcept’s motion this week, Teva also filed a cross-motion for summary judgment of non-infringement of the ’214 Patent.

In view of Teva’s unanticipated filing of its own dispositive motion, Corcept respectfully requests that it be given commensurate time to file its responsive papers. Local Civil Rule 7.1(h) provides that when a cross-motion is filed, “[u]pon the request of the original moving party, the Court may enlarge the time for filing a brief and/or papers in opposition to the cross-motion and adjourn the original motion day.” Corcept respectfully requests that it be afforded 47 days (the

Hon. Leda D. Wettre, U.S.M.J.

May 28, 2021

Page 2

same amount of time that Teva had to oppose the original motion) to file the “single combined reply brief in support of its motion and in opposition to the cross-motion” as permitted by the Local Rules. Accordingly, Corcept requests that the briefing schedule set forth in ECF No. 194 be modified to make Corcept’s combined opposition and reply papers due on July 9.<sup>1</sup>

Good cause supports Corcept’s request. Without any prior notice, Teva filed a cross-motion for summary judgment, including a new statement of purportedly undisputed material facts in support thereof, which Corcept will have to consider and address in its reply/responsive brief. The original briefing schedule (ECF No. 194) provided Corcept fourteen days to file a reply in support of its own motion; it did not contemplate that Corcept would also have to oppose a cross-motion in that same amount of time, part of which falls over a holiday weekend. Accordingly, Corcept requests until July 9 so that it has sufficient time to both oppose Teva’s motion and prepare the reply for its own motion. If this meets with the Court’s approval, we respectfully request that Your Honor sign and enter the below form of endorsement.

Thank you for Your Honor’s kind attention to this matter.

Respectfully yours,



William C. Baton

cc: All counsel of record (via e-mail)

SO ORDERED that Corcept’s combined opposition and reply papers shall be filed on or before July 9, 2021.

**SO ORDERED.**

*s/ Susan D. Wigenton*

**HON. SUSAN D. WIGENTON**

**UNITED STATES DISTRICT JUDGE**

Dated: June 1, 2021

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<sup>1</sup> July 9 is actually 45-days after Teva submitted its cross-motion; the 47<sup>th</sup> day falls on a Sunday.